

REMARKS

Claims 1-20 are pending in this application. By this Amendment, claims 1, 18 and 19 are amended. Support for amended claims 1, 18 and 19 may be found in the original specification at, for example, paragraphs [0042], [0052], [0053] and [0060]. No new matter is added.

The courtesies extended to Applicants' representative by Examiner Rush and Examiner Ahmed at the interview held February 25, 2008, are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below and constitute Applicants' record of the interview.

Reconsideration of the application is respectfully requested.

Claim Rejections

Claims 1-17 and 19-20 were rejected under 35 U.S.C. §102(e) as allegedly being unpatentable over U.S. Patent No. 7,234,106 ("Simske").

Claim 18 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Simske in view of U.S. Patent No. 6,822,756 ("Cok").

Applicants respectfully traverse each of the above rejections.

Claims 1 and 18

None of the applied references, alone or in combination, anticipate or render obvious a method for automatically combining a digital image with text data, automatically classifying the image according to a predetermined set of categories, automatically selecting text data from a repository that matches a category of an image according to a predetermined criterion, wherein the text data is at least one of a newspaper, book, magazine, brochure, pamphlet or advertisement, and wherein each of the newspaper, book, magazine, brochure, pamphlet or advertisement is stored as a text file, as recited in claims 1 and 18.

The Patent Office concedes that Simske fails to teach or suggest wherein the text data is at least one of a newspaper, book, magazine, brochure, pamphlet or advertisement, and relies on Cok as allegedly disclosing this feature. Applicants respectfully disagree.

Cok discloses a method of combining a customer generated digital image (see Cok, FIG. 9) with a pre-stored digital image (see Cok, FIG. 10) having a predetermined location where the customer generated digital image may be placed (see Cok, Abstract). In contrast, claims 1 and 18 require automatically combining a digital image with text data, not another image.

Further, the two images disclosed in Cok are combined manually by a user whereafter the method in Cok alters the images to minimize a pasted appearance (see Cok, column 5, lines 48-56). In contrast, the method of claims 1 and 18 automatically classifies the image according to a predetermined set of categories, and automatically selects text data from a repository that matches the category of the image according to a predetermined criterion.

The Patent Office alleges that, for example, the image shown in FIG. 10 of Cok is an advertisement that contains text data, and therefore, allegedly teaches this feature of the present claims. Applicants respectfully disagree.

Nowhere does Cok teach or suggest the image in FIG. 10 to be a newspaper, book, magazine, brochure, pamphlet or advertisement. FIG. 10 at best is an image that appears to look like an advertisement i.e., a "Wanted" poster. The text within the image of FIG. 10, as shown in FIG. 11, is added to the image after the two images are combined. Combining two images that may contain text within the image or text that is applied to the images after the images are combined is not the same as automatically combining a digital image with text data, wherein text data is at least one of a newspaper, book, magazine, brochure, pamphlet or advertisement.

In addition, claims 1 and 18 require the text data to be stored as a text file, not an image file as would be required for the images disclosed in Cok.

The references thus (1) lack every claimed feature of claims 1 and 18, even if combined, and (2) provide no reason or rationale for one to have modified the references in a manner to have derived the methods of claims 1 and 18.

Claim 19

Claim 19 is directed to an apparatus including one or more servers for automatically combining a digital image with text data, including, similar to claims 1 and 18, automatically classifying the image according to a predetermined set of categories, automatically selecting text data from a repository that matches the category of the image according to a predetermined criterion, wherein the text data is at least one of a newspaper, book, magazine, brochure, pamphlet or advertisement, and wherein each of the newspaper, book, magazine, brochure, pamphlet or advertisement is stored as a text file.

Thus, for at least the same reasons presented above with respect to claims 1 and 18, claim 19 is also neither anticipated nor rendered obvious by the applied references.

Conclusion

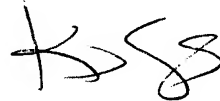
For at least the foregoing reasons, claims 1, 18 and 19, and dependent claims therefrom, are patentable over the applied references. Reconsideration and withdrawal of the rejections under 35 U.S.C. §102(e) and 35 U.S.C. §103(a) are respectfully requested.

Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-20 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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